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HOMESTEAD—THOSE ENTITLED TO—"HEAD OF A FAMILY."—Plaintiff is a minor petitioning to have premises owned by his deceased father set apart to him as a homestead. Rev. Codes of 1905 exempts from forced sale the homestead of every head of a family. Rev. Codes of 1905, § 5071, provides that upon the death of a person in whom the title to real property constituting a homestead is vested, a homestead estate shall descend, there being no surviving husband or wife, to the decedent's minor child or children, until the youngest attains majority. Rev. Codes of 1905, § 5070, defines the head of a family as including, "(2) Every person who has residing on the premises with him or her or under his or her care or maintenance, either; (a) his or her child \* \* \* " Four days before the death of the father plaintiff's mother obtained a divorce with the custody of plaintiff and the father was adjudged to pay the sum of one hundred dollars per annum towards plaintiff's support and education. *Held*, by the decree of divorce, and the custody of plaintiff being given to the mother, the father ceased to be the head of a family and therefore at the time of his death did not have a homestead. *Holcomb v. Holcomb et al.* (1909), — N. D. —, 120 N. W. 547.

The strong dissenting opinion of ELLSWORTH, J., urges a liberal construction of the homestead statutes. The dissenting justice referred to a statute which received no consideration in the opinion of the majority. The statute was § 12 of the Rev. Codes of 1905, "the residence of the father during his life \* \* \* is the residence of the unmarried minor children." The plaintiff in the statute last cited, according to the dissent, was constructively residing with the father on the premises at the time of his death, thus making the father the head of a family at that time and the premises homestead property. There is, perhaps, one objection to this view. Did the decree in the divorce suit giving the custody of plaintiff to the mother change the legal presumption, crystallized into a statute by North Dakota, that the residence of the father is the residence of the minor child? Where the legal presumption existed without statute, such change of custody has been held to effect a change in the presumption. *MINOR, PRIVATE INTERNATIONAL LAW*, § 37; *Fox v. Hicks*, 81 Minn. 197. For the reasons, first, that the duty of the father still remained to provide for the child if at any time the mother's means together with the one hundred dollars per annum were not sufficient for that purpose; second, that the statute provides unqualifiedly that the residence of the father during his life is the residence of the unmarried children even after discussion has been had whether the granting of a divorce with the custody of the child given to the mother does not change the presumption as to the child's residence; third, that homestead laws should be construed liberally in case of doubt; the view of the dissenting justice seems correct.

INSURANCE—SPECULATIVE LIFE INSURANCE—RIGHT TO PROCEEDS.—The plaintiff as public administrator of one C., deceased, sues to recover from the defendant the proceeds, less certain credits, of an insurance policy on intestate's life of which the defendant was the beneficiary and to whom the insurer had paid the insurance money. The insurance was taken out,